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Willie J. Roberts

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIE J. ROBERTS, an Individual
Plaintiff,

v.

TOM VILSACK, SECRETARY,
UNITED STATE DEPARTMENT OF
AGRICULTURE; and
DOES 1 through 50, Inclusive.
Defendants.

Civil No.

09 CV 1911 BEN

WMC

COMPLAINT FOR:

UNLAWFUL EMPLOYMENT
DISCRIMINATION BASED ON RACE
(42 USC §2000e-2, *et seq.*)

JURY TRIAL DEMANDED

Plaintiff WILLIE J. ROBERTS ("Roberts" or "Plaintiff"), for his complaint alleges as follows:

1. Plaintiff brings this action pursuant to the provisions of 42 U.S.C. §2000e-2, *et seq.* ("The Civil Rights Act") to obtain such legal and equitable relief as will effectuate the purposes of the aforementioned statute.

JURISDICTION AND VENUE

2. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §1331.

3. Venue in the United States District Court for the Southern District of California is proper under 28 U.S.C. §1391(b).

THE PARTIES

4. Plaintiff WILLIE J. ROBERTS ("Plaintiff or "Roberts") is an individual residing in the State of California, County of San Diego.

1 5. Plaintiff is informed and believes and thereon alleges that Defendant United States Department
2 of Agriculture ("Defendant" or "the USDA") is, and at all times relevant herein was, a public entity
3 established by the Executive Branch of the United States Government.

4 **PROCEDURAL AND FACTUAL BACKGROUND**

5 6. Plaintiff is a member of the protected class of race under 42 USC §2000e-2, *et seq.* ("the Civil
6 Rights Act").

7 7. On June 30, 2002 Plaintiff became employed with the USDA. At all times relevant herein
8 relevant, Plaintiff's position title was Senior Investigator, GS-1810-12.

9 8. Plaintiff racial heritage is African-American.

10 9. At all times mentioned herein, Plaintiff's first-line supervisor since June 12, 2005 was Karen L.
11 Kraubner-Lucas ("Kraubner-Lucas") Caucasian, Pacific Area Manger, GS-1810-13. Plaintiff's second-
12 line supervisor was Eric Nickerson ("Nickerson") Caucasian, Deputy Regional Director, GS-14.

13 10. On or about June 18, 2007 during a telephone conversation with Kraubner-Lucas, Plaintiff
14 mentioned the need for an investigator to handle cases at Calexico, Andrade Ports of Entry and the
15 Imperial County. Plaintiff provided Kraubner-Lucas with contact information for both Customs and
16 Border Protection (CBP) Port Directors during their conversation.

17 11. On or about June 26, 2007, Plaintiff received an email from Kraubner-Lucas wherein she
18 directed
19 Plaintiff to contact her each time he received a new case from any CBP Port of Entry or USDA Plant
20 Protection and Quarantine (PPQ) and request permission to conduct site visits with PPQ.

21 12. Plaintiff was also advised by Kraubner-Lucas in the same email that Investigator Robin Nevarez
22 ("Nevarez") from the Los Angeles Office would handle case investigations in the Imperial County.
23 Plaintiff would then be required to send any future communications from both areas to Investigator
24 Nevarez and a copy of the communication to Kraubner-Lucas.

25 13. In addition, Investigator Rhonda Smith ("Smith") from the Los Angeles office, with an office
26 in Temecula, would attend CBP Pest Risk Committee meetings with Plaintiff and Kraubner-Lucas
27 would determine in the future attendance of these meetings at a later date. On or about December 2008
28 Kraubner-Lucas authorized Plaintiff to attend Pest Risk Committee meetings only.

1 14. On or about November 30, 2007, Plaintiff received a telephone call from Kraubner-Lucas asking
2 Plaintiff to meet with her at the USDA Plant Inspection Station in Hawthorne, California on
3 December 6, 2007. Kraubner-Lucas asked Plaintiff to bring all of the documents relating to case
4 CA07125-AC with him on December 6, 2007.

5 15. On or about December 6, 2007, Plaintiff met with Kraubner-Lucas and briefed her on the status
6 of the investigation pertaining to case CA07125-AC. After Plaintiff's presentation, Kraubner-Lucas
7 served Plaintiff with a written proposal for his suspension from Investigative and Enforcement Service.
8 In the written proposal for Plaintiff's suspension from IES Kraubner-Lucas claimed that Plaintiff failed
9 to make weekly telephone contact with her; that Plaintiff had made an inappropriate remark to a member
10 of the public; and that Plaintiff had failed to prepare two case reports in the proper format.

11 16. Plaintiff believes that the inappropriate remark Kraubner-Lucas referred to during their meeting
12 on December 6, 2007 involved a previous interview with an Animal Exhibitor. Plaintiff had made
13 repeated attempts to obtain facility and animal treatment records from the Animal Exhibitor with no
14 success. However, during Plaintiff's interview with the Animal Exhibitor, the woman was cooperative
15 and responsive to Plaintiff's questions, although the woman was evasive at times. At the end of the
16 interview Plaintiff thanked the woman for being cooperative and stated that he was under the impression
17 that this was going to be a hostile interview.

18 17. Immediately after Plaintiff made the comment to the Animal Exhibitor Plaintiff realized that he
19 should not have made the comment. It was Plaintiff's intent to compliment the woman, not insult her.
20 The individual however did not appear to be angry about Plaintiff's comment, just curious as to why
21 Plaintiff thought it was going to be a difficult interview.

22 18. Plaintiff was unaware that the woman had filed a formal complaint about his comment as
23 Plaintiff's supervisor, Kraubner-Lucas, had never mentioned a formal complaint having been made to
24 Plaintiff. During Plaintiff's meeting with Kraubner-Lucas on December 6, 2007 Kraubner-Lucas stated
25 to Plaintiff that he had made an inappropriate statement and "it had the potential to adversely affect
26 future visits" by Animal Care and APHIS employees. Kraubner-Lucas further stated that the comment
27 could be a detriment to the working relationship between IES and USDA Animal Care.

28 19. Plaintiff did not believe that his comment would have a negative impact on the working

1 relationship between IES and Animal Care and that Kraubner-Lucas statements and actions that day
2 were conducted with the intention of harassing Plaintiff based on his race.

3 20. Plaintiff was fully aware of another employee who had not been disciplined for making
4 inappropriate comments in public without personnel action, specifically Investigator Rhonda Smith
5 ("Smith") a Caucasian female.

6 21. Plaintiff recalls an event which took place on or about January 23, 2008, during a group
7 lunch on a cattle ranch near Fresno, California. Smith had ordered a plate of Rocky Mountain Oysters.
8 Plaintiff felt Smith's discussion about the cow testicles was inappropriate, however both Kraubner-Lucas
9 and Fordahl who were both present at the lunch table, said nothing. No personnel action was ever taken
10 against Smith.

11 22. Plaintiff recalls another occasion wherein Smith again made inappropriate comments. In or
12 about February 2008 Plaintiff was participating in a Market Inspection Blitz in San Diego with Smith.
13 During the operation, Plaintiff was informed by California Department of Food & Agriculture Biologist
14 James Lawrence ("Lawrence") and USDA Plant Protection and Quarantine Officer Adela Vera ("Vera")
15 that Investigator Smith had made inappropriate comments about Plaintiff.

16 23. Plaintiff admits that he may have missed calling his Supervisor, Kraubner-Lucas, possibly three
17 times over a period of an entire year at the most. In addition to Plaintiff making weekly phone calls to
18 Kraubner-Lucas, Plaintiff maintained weekly communication with her via email.

19 24. Plaintiff is fully aware of other Investigators, non-African-American, who were not required to
20 call Kraubner-Lucas on a weekly basis. Plaintiff believes and therefore alleges that Kraubner-Lucas's
21 allegation of non-communication was intentional with the sole purpose of harassing Plaintiff and
22 discriminating against him based on his race, African-American.

23 25. Plaintiff was advised by Kraubner-Lucas that primary investigations had to be completed in
24 65 - 100 days when few investigators completed case reports within this time requirement. Plaintiff was
25 aware of other Investigators, non-African-American, that had cases over 200 days old.

26 26. On or about September 27, 2007 Plaintiff was instructed to prepare two case reports by
27 Kraubner-Lucas, however Plaintiff does not recall receiving specific instructions on this day from
28 Kraubner-Lucas to prepare the case reports in the new IES case format.

27. Plaintiff did receive approximately four hours of training on the new case report format by Kraubner-Lucas on or about September 27th, 2007, while Plaintiff's fellow co-workers, majority of which were non-African-American, received two days of training on the new case report format on September 13th & 14th, 2007.

28. After Plaintiff received the proposed suspension from Kraubner-Lucas on December 6, 2007, Kraubner-Lucas advised Plaintiff that he could submit a written reply to the charges to the deciding official, Regional Director Timothy R. Fordahl ("Fordahl") Caucasian via Human Resources Specialist Rene E. Wing ("Wing") Caucasian, when Plaintiff's second in line Supervisor, Nickerson, should have been the deciding official.

29. On or about December 16, 2007, Plaintiff sent a letter to IES Western Regional Director Timothy R. Fordahl contesting the charges of improper conduct. Plaintiff also sent a copy of the letter to Wing and scheduled a conference call with Fordahl on January 14, 2008 to discuss the proposed suspension.

30. On or about June 26, 2007 Plaintiff was instructed by Kraubner-Lucas not to attend meetings or participate in Program activities (CBP, PPQ, and Veterinary Services) at the ports of entry in San Diego. This action adversely affected Plaintiff's working relationship with State, County and other Federal Agencies.

31. Plaintiff was aware of other similarly situated employees, Caucasian, who could freely interact with the Department of Homeland Security, Customs and Border Protection (CBP) and USDA Plant Protection and Quarantine, and other California and Federal agencies at meetings, training sessions, and special operations.

32. Plaintiff believes and thereon alleges that Kraubner-Lucas was giving Plaintiff cases in Los Angeles in an attempt to keep him away from his duties in San Diego. Kraubner-Lucas and Smith's actions have impaired Plaintiff's abilities to conduct investigations and maintain liaisons with IES customers in San Diego and the Imperial County; undermined Plaintiff's professional standing with his customers; and caused Plaintiff emotional stress.

33. Plaintiff is aware of other similarly situated Investigators, Caucasian, who were given more freedom and latitude to perform investigative duties, participate in Program operations, and conduct and attend training.

1 34. On or about January 14, 2008, Plaintiff received a telephone call from Fordahl regarding the
2 proposed suspension. In addition to discussing the proposed suspension, Plaintiff advised Fordahl that
3 Kraubner-Lucas had instructed him not to attend or participate in Program activities at the Ports of Entry.
4 Fordahl replied stating, "that is another matter."

5 35. On or about February 7, 2008, Plaintiff sent CBP Agriculture Supervisor Hector Baez ("Baez")
6 a list of local IES Points of Contacts, in the event of an agriculture pest outbreak at the United
7 States/Mexico Border in San Diego. Plaintiff listed himself as the primary contact, and Kraubner-Lucas
8 and Investigator Smith as alternatives.

9 36. Plaintiff later discovered that Investigator Smith had submitted a contact list to Supervisor Baez
10 listing Kraubner-Lucas, Fordahl and herself as primary contacts, not Plaintiff.

11 37. On or about February 11, 2008, Plaintiff received an email from CBP Agriculture Supervisor
12 Baez concerning his conversation with Kraubner-Lucas. Kraubner-Lucas told Baez that Investigator
13 Smith was the primary IES point of contact in San Diego, however Kraubner-Lucas failed to inform
14 Plaintiff of this.

15 38. On or about March 1, 2008, Plaintiff completed the required case investigations and training for
16 advancement to Journeyman level GS-12.

17 39. On or about March 25, 2008, Plaintiff received an email from Wing with an attached Alternative
18 Discipline Agreement from Fordahl. Under the terms of the Agreement, Plaintiff was required to admit
19 to the charges of improper conduct, donate 40 hours of annual leave, agree to a supervisory referral to
20 counseling, and accept a 2-day suspension, among other stipulations. Plaintiff declined the Alternative
21 Discipline Agreement.

22 40. On or about March 27, 2008 Plaintiff received a telephone call from PPQ Officer Vera wherein
23 she advised Plaintiff that Investigator Smith had met with her Supervisor, Rey L. Mosqueda. After the
24 meeting, Vera was instructed not to contact Plaintiff about any San Diego SITC investigation requests.

25 41. Later that same day, PPQ Officer Vera informed Plaintiff that Kraubner-Lucas notified her Area
26 Manager, Steven Spalla that Investigator Smith was the first line IES contact in San Diego. Again,
27 Kraubner-Lucas did not inform Plaintiff about this decision.

28 42. On or about April 14, 2008, Plaintiff contacted Wing via email and asked her whether or not IES

1 Director Robert J. Huttenlocker ("Huttenlocker") was aware of the proposed disciplinary action to be
2 taken against him.

3 43. That same day Plaintiff received an email from PPQ Supervisor Robert Smith wanting to know
4 who was the IES contact for San Diego, Investigator Smith or Plaintiff. PPQ Supervisor Robert Smith
5 went on in the email to state that Plaintiff would continue to be his contact until he received information
6 otherwise from his Supervisor.

7 44. On or about April 29, 2008, Plaintiff received an email from Wing in response to Plaintiff's
8 inquiry as to whether or not IES Director Huttenlocker was aware of the proposed disciplinary action
9 to be taken against him. Wing responded by stating in her email, "it is not appropriate to elevate this
10 beyond the deciding official at this stage of the issue."

11 45. On or about May 30, 2008, Plaintiff received a Decision Letter from Fordahl wherein he stated
12 that the charge and specifications, as stated in the Notice dated December 3, 2007, were fully supported
13 by the evidence of record and warranted the proposed suspension of Plaintiff. Fordahl however failed
14 to state what evidence that he had in his possession against Plaintiff.

15 46. On or about May 31, 2008, Plaintiff sent a second copy of his Career Development/Competency
16 Chart to Kraubner-Lucas for her review and consideration for Plaintiff's promotion to GS-12.

17 47. On June 1st through June 14th, 2008, Plaintiff was suspended from IES.

18 48. On June 16, 2008, Plaintiff received an email from Kraubner-Lucas confirming that Plaintiff had
19 completed the requirements for promotion to GS-12, however she did not feel that Plaintiff could
20 perform the work of a Senior Investigator at that time. Kraubner-Lucas further stated that she would
21 review and determine Plaintiff's eligibility for GS-12 when he had completed eight open case
22 investigations.

23 49. During the week of August 11th through 15th, 2008, Plaintiff was excluded from training provided
24 to Plant Protection & Quarantine, Smuggling Interdiction and Trade Compliance (SITC) Officers station
25 at the ports of San Diego, Calexico, Nogales, and Phoenix. The training was conducted by Kraubner-
26 Lucas and Investigator Smith.

27 50. On or about August 15, 2008, Plaintiff received an email from Kraubner-Lucas concerning
28 five new international mail cases she had previously sent to him. Kraubner-Lucas stated that if Plaintiff

1 completed the cases within the Performance Standard time frame (100 days) she would proceed with the
2 processing of his GS-12 paperwork.

3 51. Plaintiff was aware of other similarly situated Investigators, most of whom were Caucasian, who
4 were promoted to GS-12 after completion of all the Career Development Competencies. Plaintiff did
5 not discuss the promotion issue with management because he assumed management would agree with
6 Kraubner-Lucas's actions.

7 52. On or about August 19, 2008, Plaintiff was excluded from training to CBP Agriculture
8 Specialists and Supervisors stationed at the Port of San Ysidro and Otay Mesa. The training was
9 conducted by Kraubner-Lucas and Investigator Smith.

10 53. On or about November 23, 2008, Plaintiff was promoted to GS-12.

11 54. Plaintiff believes and thereon alleges that his race, African-American, played a critical role in
12 his pass over for promotion in March 2008 as Kraubner-Lucas recommended Caucasian, African-
13 American (female), Hispanic and Asian investigators for promotion.

14 55. Plaintiff had been rated fully successful for all critical performance elements in his performance
15 evaluations for FY 2007 and FY 2008. The quality of his case reports were rated superior. Kraubner-
16 Lucas was responsible for rating Plaintiff's performance both for FY 2007 and FY 2008.

17 56. During Plaintiff's performance evaluations, Kraubner-Lucas did not discuss any deficiencies
18 with Plaintiff's performance. Instead, Plaintiff received a Letter of Reprimand during a meeting with
19 Kraubner-Lucas on or about June 29, 2007 wherein she alleged that Plaintiff failed to meet case
20 completion deadlines and call her weekly. Plaintiff had received no advance written or oral notice of
21 the Letter of Reprimand.

22 57. In or about January 2009, Plaintiff was excluded from an Animal Care Investigation in San
23 Diego. The investigation was conducted by Senior Investigators Phil Ledbetter, Caucasian, from San
24 Francisco; Thomas Jones, Caucasian, from Los Angeles; Soroya Waite, African-American (female),
25 from Missouri, and Robin Nevarez, Hispanic.

26 58. Plaintiff is informed and believes, and thereon alleges, that similarly situated employees, all of
27 whom were of racial heritages other than African-American male, were not harassed in their employment
28 with the USDA IES Western Region, and were given preferential treatment based on their race.

59. Plaintiff believes and thereon alleges that Defendants knew, or should have known, and allowed to continue and exist daily a harassing and discriminatory work environment based on Plaintiff's race.

60. The Civil Rights Act expressly prohibits discriminated based on race, among other things. Plaintiff believes and thereon alleges that the USDA considered his race and discriminated against him based thereon.

61. On or about October 27, 2008 Plaintiff filed a formal complaint for discrimination with the USDA, APHIS, Civil Rights Employment Complaints Division against USDA based on his race. Case No. APHIS-2008-00778 ("The Discrimination Complaint").

62. On or about June 3, 2009, USDA Office of Adjudication and Compliance issued its Final Agency Decision, and granted Plaintiff the right to bring suit in the United States District Court, who timely files this action.

COUNT 1

Unlawful Employment Discrimination Based on Race

(42 USC §2000e-2, *et seq.*)

63. Plaintiff incorporates herein by reference paragraphs 1 through 62, of this complaint as though fully set forth herein.

64. Plaintiff was subjected to continuous discrimination in the workplace based on his race, including, but not limited to denial of attendance and participation in Program activities at the ports of entry; denial of promotion to Senior Investigator GS-12 in March 2008; 14 days suspension from IES in June 2008; and daily harassment and discrimination by his Supervisor, Karen L. Kraubner-Lucas.

65. Race is a protected class under 42 USC §2000e-2, *et. seq.*

66. Plaintiff's claims of employment discrimination based on race are supported by the acts alleged herein.

67. As a result of Defendants discriminatory actions, Plaintiff has suffered economic and other losses, including, but not limited to, lost earnings, loss of leave time and other employment benefits, and damages for emotional distress, humiliation and mental anguish, in an amount not less than \$ _____ in compensatory damages.

///


PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for relief as follows:

1. For expunction from Agency's records of any adverse material relating to the suspension;
2. For continued IES assignment in San Diego, CA under a new supervisor;
3. For compensatory damages, including, but not limited to lost earnings, lost leave, lost benefits, damages for emotional distress, humiliation and mental anguish all in an amount not less than \$100,000.
4. For back pay retroactive to March 2008 when Plaintiff was passed over for promotion;
5. For reasonable attorneys fees;
6. For costs of suits;
7. For such other and further relief as the Court may deem appropriate.

Dated: 9/1/09

LAW OFFICE OF DOUGLAS E. GEYMAN

By: 
Douglas E. Geyman, Esq.
Attorney for Plaintiff, WILLIE J. ROBERTS

DEMAND FOR JURY TRIAL

Plaintiff, Willie J. Roberts, hereby demands a trial by jury on all claims.

Dated: 9/1/09

LAW OFFICE OF DOUGLAS E. GEYMAN

By: 

Douglas E. Geyman, Esq.
Attorney for Plaintiff, WILLIE J. ROBERTS

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIE J. ROBERTS, an individual

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Douglas E. Geyman, Esq., 750 B Street, Suite 2635, San Diego,
CA 92101

DEFENDANTS

TOM VILSACK, SECRETARY UNITED STATES DEPARTMENT OF AGRICULTURE AND DOES 1-50.

County of Residence of First Listed Defendant SAN DIEGO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

09 CV 1911 BEN

WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input checked="" type="checkbox"/> DEF <input checked="" type="checkbox"/> | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> DEF <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	GIVE RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §2000e-2, et seq.

Brief description of cause:
Civil Rights Act - Discrimination based on race.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/01/2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

4768 350
9/1/09

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS004768
Cashier ID: sramirez
Transaction Date: 09/01/2009
Payer Name: KNOX ATTY SVCS

CIVIL FILING FEE

For: ROBERTS V. VILSACK
Case/Party: D-CAS-3-09-CV-001911-001
Amount: \$350.00

CHECK

Check/Money Order Num: 8699
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.